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Attorney for Plaintiff,  
Liberty Media Holdings, LLC

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

LIBERTY MEDIA HOLDINGS, LLC }  
Plaintiff, }  
vs. }  
DAVID TRICE, ERIC BROWN, }  
JOHN DOE 2, and DOES 3-50 }  
Defendants }

Case No. 09-CV2284-W-POR

**NOTICE OF MOTION AND**  
**MOTION FOR ENTRY OF CLERK'S**  
**DEFAULT AGAINST DEFENDANT**  
**ERIC BROWN**

NOW COMES Plaintiff Liberty Media Holdings, LLC (LMH), by its attorney, Robert DePiano, and respectfully requests this Court to enter a default, pursuant to Fed. R. Civ. Proc., Rule 55(a), against Defendant Eric Brown (Brown). In support of its Motion, Plaintiff states as follows:

1. On October 9, 2009, Plaintiff filed a Complaint for copyright and trademark infringement, and subsequently filed an Amended Complaint on December 4, 2009, adding Eric Brown as a defendant. See Declaration of Robert DePiano (DePiano Decl.) ¶ 3.

2. On December 8, 2009, Defendant Brown was personally served with the Amended Complaint. See Court's Document 8.

1           3.     Based on the service date of December 8, 2009, Defendant Brown was  
2 required to plead or otherwise defend in response to the Amended Complaint on or  
3 before December 29, 2009. DePiano Decl. ¶ 5.

4           4.     Defendant Brown has failed to appear, answer or otherwise defend in  
5 the time allowed by law and is therefore in default. DePiano Decl. ¶ 6.

6           5.     Notice of Plaintiff's intent to seek entry of default was sent to Defendant  
7 Brown on December 28, 2009. See DePiano Decl. ¶ 7.

8           WHEREFORE, Plaintiff LMH respectfully requests an Entry of Clerk's  
9 Default by the Clerk of this Court.

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11           Dated: January 6, 2009

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13                                   Respectfully Submitted,

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15                                   s/ Robert A. DePiano  
16                                   Robert A. DePiano  
17                                   Attorney for Plaintiff,  
18                                   Liberty Media Holdings, LLC  
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**CERTIFICATE OF SERVICE**

The undersigned does certify that on this 7th day of January 2010, he did file the foregoing document using the CM/ECF system, and has sent copies of all the documents via U.S. Mail and email to defendants.

s/ Robert A. DePiano

Robert A. DePiano  
Attorney for Plaintiff,  
Liberty Media Holdings, LLC